IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(Crl.).No. 216 of 2007(S)

PETITIONER:

VIJAYAPRASAD, S/O.VIJAYAN,
THIRUVATHIRA, KUZHIVILA,
KULATHUR, THIRUVANANTHAPURAM.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.S.SIDHAN

RESPONDENTS:
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1. ABDUL RAHIMAN, NELLIVILAKATHU VEEDU,
CHITTATIN MUKKU, KANIYAPURAM,
THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
KADINAMKULAM.

R1 BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR
R2 BY GOVERNMENT PLEADER SRI AMJAD ALI
SMT.SEETHAL T.G., ADVOCATE COMMISSIONER.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1	TRUE COPY OF THE PHOTOGRAPH OF THE WEDDING.
EXT.2	TRUE COPY OF THE JUDGMENT IN WP(CRL).NO.4/2007 DATED 12/1/2007.

P.R.RAMAN & V.K.MOHANAN, JJ.

W.P.(Crl)NO. 216 OF 2007

Dated this the 29th day of October, 2007

O R D E R

Raman, J.

Petitioner is stated to be the husband of the alleged detenu, Jaseela. It is averred that they were in love. Though it is stated that she married the petitioner, both of them belong to different religions and no materials produced to show that they are legally married. However, in an earlier writ petition filed by the father, the lst respondent herein, it was alleged that the alleged detenu is under the illegal custody of the petitioner herein. By judgment dated 12th January, 2007 that writ petition was disposed of directing the alleged detenu to go along with the parents, since she was below the age of 18 years then. The parents also assured that she will not be harassed or she will not be compelled to marry against her wishes. It was also directed that if any complaint is made, the police shall take immediate appropriate action. This Court recorded the statement of the alleged detenu that she is not under the illegal custody and that she had gone along with the petitioner herein on her on accord. She also states then that she wanted to go with the lst respondent, who is the petitioner herein. But only for the reason that she is a minor, she is allowed to go along with the parents. The alleged detenu has attained majority on 24th September, 2007. It is in the circumstances that the present writ petition is filed.

2. The parties appeared and we interacted with them. The

alleged detenu reiterated her statement that she had gone along with the petitioner on her own accord. It is also averred that she was in love with him. But now she is continuing her studies in Arabic Course in Calicut University. However, she is not under the illegal custody of her parents especially since her custody with her parents is pursuant to the order passed by this Court. However she has completed the aged of 18 years recently, in order that she may take an independent decision, we think that some more time should be allowed.

In the circumstances, we permit the alleged detenu to continue her studies in the Calicut University. The matter is adjourned to 15/11/2007. The lst respondent has undertaken to produce the girl before this Court on that day.

P.R.RAMAN,
Judge.

V.K.MOHANAN,
Judge.

kcv.